

April 10, 2006

The Common Council met as the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Rueger, Angel and Cooper attending. Councilman Tucker was not present. Others attending were Supt. Gray; Comm. Epison; Chief Beloit; Chief Webber; Vicki Peerman; Attorney Funkhouser; Attorney Higgins; Shawn Flannigan and Judy Dicus Thomann - IDEM; Ronald Bradford; Sarah Clark; Garry Morris; Paula Rudibaugh; Tiffani Eisenhut - Mount Vernon Democrat; and arriving during the meeting, Larry Williams and Joe Rutledge.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Rueger moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Board should approach the podium and state their name and the nature of their business.

Mayor Knowles requested action on the claims presented.

Councilwoman Askren moved the claims presented be allowed for payment. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

*****CLAIMS*****

Water Works Revenue \$195,242.71

Water Operating & Maintenance 49,538.04

Water Consumer Meter Deposit 186.00

Mayor Knowles stated they will now hear the report of the Water Superintendent.

Supt. Gray stated they have joined the Indiana Rural Water Association, as with membership comes free leak studies. He added the IRWA will be down tomorrow to detect any leaks in the system, and the water department is continuing on that as well.

He continued by stating there is also going to be a Spring Conference sponsored by the IRWA and he would like permission to attend. He added this is a great opportunity to pick up some more credits toward their certifications. He added the conference is April 24-26 and he would like to take Bob Martin and Augie Hansen along as they also need credits.

Councilman Rueger stated that is fine with him.

Supt. Gray added they will also need the city credit card.

Larry Williams arrived at the meeting.

Councilman Rueger moved permission to attend and use city credit card be given. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Joe Rutledge arrived at the meeting.

Supt. Gray then stated they are having issues with the certified operators at the plant, third shift in particular. He stated they are hard to get a hold of and he was looking into getting them cell phones. He added Cingular has a special for \$69.00 a month for two lines and add a line for another \$9.99. He stated he would also like for them to consider getting them for the maintenance men, who have been using their personal cell phones on the job. He then stated the cellular to cellular calls will cost nothing. He asked that they consider purchasing five phones.

Councilman Cooper asked if he indicated five phones ?

Supt. Gray replied yes.

Councilman Cooper stated he could see four for the maintenance and the certified operators, is he also wanting one at the plant office ?

Supt. Gray replied yes.

Councilman Cooper asked if just four would be alright ?

Supt. Gray replied yes, most of the calls come in to the 2136 number.

Councilman Cooper moved Supt Gray be permitted to purchase five Cingular phones for the certified operator, maintenance men and office. Seconded by Councilman Angel.

Mayor Knowles asked if there was any discussion ?

Councilman Cooper asked if Supt. Gray purchased extra minutes maybe they could a phone before the two years were up.

Councilwoman Askren added not if they sign a two year contract.

Supt. Gray added the minutes do not roll from year to year and he was looking into purchasing extra minutes, as overages can really be expensive.

Mayor Knowles agreed and added that same thing has happened to her.

Councilman Cooper stated he would amend the motion to read approve the purchase of the five Cingular phones, allowing the purchase of extra minutes. Seconded by Councilman Angel.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Supt. Gray continued his report by stating they are having some issues with their cross connection ordinance, and he does not want to be hasty, but there is a potential for drinking water to be sucked into sanitary lines. He added a cross connection devise would prevent this. He added he feels they need to amend the ordinance to stipulate backflow prevention, as this could contaminate lines.

Councilwoman Askren asked if this would be costly ?

Supt. Gray replied regardless of the cost, it is the law, period, and it is in effect.

Attorney Higgins stated Chapter 53 of the codification addresses cross connections, they should check that against what Supt. Gray is stating. She added the ordinance may need to be beefed up.

Mayor Knowles added they can also view that chapter on line as well, from the website.

Supt. Gray then stated at the last meeting he spoke about the explosion hazard at the plant do to the carbon dust. He stated he is still waiting on three quotes for that work.

Mayor Knowles asked if there were any questions ?

Councilman Cooper asked if Supt. Gray could look up the current ordinance on cross connections and see if it needs to be beefed up.

Supt. Gray replied sure, and added they may also have to go on site to see some of these.

Councilman Cooper asked if is suggesting every tap and every faucet ?

Supt. Gray replied no, that should be in the plumbing code, and the public should also be educated.

Attorney Higgins stated commercial and industrial users are already addressed in the ordinance, as well as the construction codes.

Supt. Gray stated the plant will participate now under this, a valve is not enough.

Mayor Knowles asked if there were any other questions ?

There were none.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated on the Legal portion of the Agenda is possible action on a request for a water tap for the Black Township Fire & Rescue's new building. She asked that Joe Rutledge approach the podium.

Mr. Rutledge stated he is not really present tonight for this topic, though Steven Hahn should be the contact on that.

Attorney Higgins agreed that Mr. Hahn had been sent a packet.

Mrs. Peerman stated she thinks there may have been some confusion, Mr. Hahn may think he needs to come Thursday at 4:00 p.m.

Supt. Gray stated they have done studies in the area and a $\frac{3}{4}$ " line will be fine for the quarters and a 2" line to fill the tanker. He added the tap can be approved.

Councilman Cooper asked if they can approve pending completion of paperwork ?

Attorney Higgins replied yes, if the flow, capacity, and pressure have been approved through the water department.

Councilman Rueger moved the tap be approved, pending completion and receipt of the proper paperwork. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Attorney Higgins stated she has the paperwork complete from the Bruce Hall tap that the Board approved at the last meeting, it is ready for signature.

Board then signed the Bruce Hall water agreement.

Mayor Knowles stated in the Audience are Judy Dicus Thomann and Shawn Flannigan with IDEM.

Ms. Dicus Thomann stated she is the Southwest Regional Director of IDEM and they are present tonight to discuss two issues, the long term control plan and the backwash issue. She added Mr. Flannigan will now discuss the issues with the Board.

Mr. Flannigan stated the Board has been sent letters concerning having a certified operator on site anytime the plant is running. He added this has been an issue for many years and IDEM knows the city is working on it, but there have been some water quality issues they he is confident would not have happened had there been a trained certified operator on duty. He added the stated is ready to enforce certified operator regulations on the town.

Mayor Knowles asked if this is a step further than they had gone with the city in the past?

Mr. Flannigan replied yes, it is a legality issue. He stated the Utility Board is responsible to make sure the plant is operated properly. She added Supt. Gray is trying to get the men certified, which is good, but it is still a liability issue for the city. He stated this is a serious situation and this is the next step.

Councilman Askren asked the time period they had to get this corrected ?

Mr. Flannigan replied Enforcement will review the situation and may issue the agreed order soon.

Councilman Cooper asked how long before they get the agreed order ?

Mr. Flannigan replied it was sent up maybe the end of last week or today. He stated the city should be notified in a two week period.

Mayor Knowles stated when this situation arose, it was discovered that almost all cities and towns in the state have a mayor with voting power on the Utility Board, therefore involved in the decision making process. She added when Mount Vernon's Utility Board was formed by ordinance in 1937, the mayor was not given that authority. She added she is the one that gets these letters from IDEM and she is the one that goes to the meetings, only to be chastised about the decisions that others are making. She added they need better communication and follow through. She also stated on this issue, she will be the one getting the letter because IDEM considers her the CITY when there is a problem, penalty, fine, etc. She stated due to the way the Utility Board is set up, there is a communication gap and she knows of no other city in the entire state where this happens. She added they need to decide as a group how to address this issue.

Councilman Rueger asked Supt. Gray how close some of the men are to being certified ?

Supt. Gray replied two are certified and Mr. Martin needs 15 credits and Mr. Tison and Mr. Pittman are the only remaining ones yet to pass. He added they will be testing again in May and they have been told they either pass or he will be looking for their replacements.

Mr. Flannigan stated a certified operator must be site during all times of operation, again, it is a liability issue and has been an issue several years now.

Mr. Flannigan continued next to the backwash issue. He added a contingency plan needs to be developed. He stated this plan was actually implemented in November 2004, though IDEM has received nothing regarding it. He added the state is ready to take enforcement action on this as well.

Ms. Dicus Thomann added this is the long term control plan.

Mr. Flannigan stated the city is to submit semi-annual reports on the long term control plan as well, and this has also been an issue for many years.

Mayor Knowles added that she is doing that on the waste water end, they are in compliance with their report.

Ms. Dicus Thomann stated in reference to the long term control plan, she has met with Mayor Knowles and unfortunately this is an area that she was not able to help IDEM with, she is not a voting member of this Board. She added IDEM will be going forward with enforcement and the Utility Board needs to go forward as well, or IDEM enforcement will become involved. She added again, IDEM has received nothing in writing on the water side. She added they did not get the first report and now the time is rolling around for the second report to be due.

Mayor Knowles stated the long term control plan, as written, addressed the CSO issue and the agreed order contains the CSO's, wastewater and water, they are all together which makes things even more convoluted.

Attorney Funkhouser suggested someone on the Utility Board be designated to deal with this issue and then communicate back to the Board.

Mayor Knowles added the designated member should also be able to attend the meetings and speak on behalf of the Board.

Councilman Cooper stated most of the members of the Board can not make all the meetings since they all have jobs outside of the Board.

Councilman Rueger suggested the Board make Mayor Knowles one vote on the Board.

Mayor Knowles agreed that would simplify things.

Attorney Higgins added they would only need to amend to the ordinance.

Councilman Rueger stated they could do that and just make the mayor a voting member of the Board.

Councilman Angel stated if the Board then consisted of six members, that could result in tie votes.

Mayor Knowles agreed but added it works well on the Board of Works that she has a vote, it works really well.

Councilman Rueger stated things would get resolved a lot quicker and then she could communicate back to the Board.

Councilman Angel agreed and added the other Board members do not have time to attend all of the meetings.

Mayor Knowles added the Utility Board could tell her what they want to do, the process they want to follow on issues.

Attorney Higgins stated they would basically be reconstructing the Board. She added the other more immediate issue is to make sure that Supt. Gray has all of the paperwork he needs and get a handle on the dates these reports are due. She added IDEM wants to know that the city is working on that. She wondered if Supt. Gray and a Board member could get on that, get the information together, etc.

Ms. Dicus Thomann added they are talking enforcement in Indianapolis.

Attorney Higgins stated the state wants to see those reports getting done.

Mayor Knowles added the reports on the wastewater side are being handled by the engineering firm.

Attorney Higgins stated they still need to identify what they need.

Ms. Dicus Thomann stated the mayor has the long term control plan and the information on the backwash water.

Attorney Higgins stated the water side may also need to contact an engineer.

Mr. Flannigan added IDEM would like to see progress.

Attorney Higgins stated it would be easier if the work was done here locally to get the information in.

Councilman Cooper stated he had a meeting today with the engineers on the backwash, but he understands that IDEM needs information in writing. He added he and Supt. Gray will get something together.

Ms. Dicus Thomann added IDEM will work with them.

Mr. Flannigan stated they also need to be thinking ahead.

Councilman Cooper stated they probably need to vote on that at the next Council meeting.

Attorney Higgins stated actually the Utility Board will make a recommendation to the Council on amending the 1937 ordinance. She added they really need to start something on the reports.

Councilman Cooper replied they will start tomorrow.

Councilman Angel asked if Mount Vernon really is the only city that does not allow voting powers for the Mayor on the Utility Board ?

Ms. Dicus Thomann replied they believe so, yes, at least in the 13 counties that she serves, definitely. She added Mayor Knowles gets hammered at these meetings.

Councilman Angel stated there is a communication issue, all the Board members have other jobs and Mayor Knowles gets stuck in the middle. He added it is the Board's responsibility and they have been trying since the city took back control of the water works.

Mr. Flannigan replied they understand but soon they will to be the forcing hand, not the helping hand.

Mayor Knowles added that the regional office has been very, very nice. She added that these surface water rules would go away if the city had wells.

Mr. Flannigan then asked if the city has a time line with the engineer on the filter replacement ?

Councilman Cooper replied the construction permit should be going up to Indianapolis within the next seven days.

Mr. Flannigan added that IDEM can also review the plans for quality control, as he knows the city has been burned before. He added they only to call, IDEM is there to help.

Mr. Flannigan and Ms. Dicus Thomann left the meeting.

Mayor Knowles asked who would be attending the next update meeting ?

Councilwoman Askren and Councilman Cooper stated they would attend.

Mayor Knowles stated under Old Business, she would like to make an appointment - Supt. Gray from Acting Water Superintendent to Water Superintendent.

Councilman Rueger moved Supt. Gray be the Water Superintendent. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Rueger moved the meeting be adjourned. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer